

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/615,129	TYLER, JEFFERY A.
	Examiner Thai-Ba Trieu	Art Unit 3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the Amendment filed 08/09/2004.
  2.  The allowed claim(s) is/are 1,3-9,11-17 and 19-24.
  3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All
    - b)  Some\*
    - c)  None
 of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**
5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1)  hereto or 2)  to Paper No./Mail Date 05/12/2004.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
  7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

Thai-Ba Trieu  
Patent Examiner  
AU 3748  
October 14, 2004

### DETAILED ACTION

This Office Action is in response to the Amendment filed on August 09, 2004. Applicant's cooperation in correcting the informalities in the specification is appreciated. Claims 1, 7, 13, 17, and 21 were amended; and Claims 2, 10, and 18 were cancelled.

### EXAMINER'S AMENDMENT

The application has been amended as follows:

- In claim 1, part d, line 5, "**adjust**" has been replaced by -- **adjusts** --; and line 6, "**change**" has been replaced by -- **changes** -- ((for correcting grammatical error) and (See Amendment filed on 08/09/2004)).
- In claim 21, part g, line 4, "**sensor, wherein**" has been replaced by – **sensor, and wherein** --; and line 6, "**which**" before "**adjusts**" has been deleted ((for correcting grammatical error) and (See Amendment filed on 08/09/2004)).

### *Allowable Subject Matter*

The following is an examiner's statement of reasons for allowance: None of the cited prior art alone or in combination teaches the claimed combination of a system controlling flow to a turbocharged engine intake via a control valve arranged to vary flow rates in passageways leading through a cooler and a cooler bypass; and a servomechanism operating a control valve regulating flow in an engine intake via a cooler and a cooler bypass including:

" Regarding claim 1:

*a change of current to the proportional solenoid in response to a change in an engine condition detected by the sensor moves the spool valve to change flow of hydraulic fluid to the actuator, adjusting the control valve, and changing the feedback via the mechanical coupling.*

Regarding claims 7 and 13:

*a change in engine temperature changing the electrical input from the controller to the proportional solenoid, which moves the spool valve and the hydraulic actuator to change the position of the air valve to a position in which the mechanical feedback transmitted to the spool valve counterbalances the forces applied to the spool valve by the proportional solenoid.*

Regarding claim 17:

*a cam moving with the control valve and a spring arranged between the cam and the hydraulic valve to feed back the variable force.*

Regarding claim 21:

*a change of current to the proportional solenoid in response to a change in an engine condition detected by the sensor moves the spool valve to change flow of hydraulic fluid to the actuator, adjusting the control valve, and changing the feedback to the spool valve via the compression spring."*

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (703) 308-6450. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

However, the examiner's new telephone number (751) 272-4867 will become effective after the expected changeover date of November 22, 2004.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (703) 308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB  
October 14, 2004

  
Thai-Ba Trieu  
Patent Examiner  
Art Unit 3748